

DANIEL G. BOGDEN
United States Attorney
CRISTINA D. SILVA
Assistant United States Attorney
Nevada Bar No. 13760
501 Las Vegas Blvd. South, Suite 1100
Las Vegas, Nevada 89101
PHONE: (702) 388-6336
FAX: (702) 388-5087
cristina.silva@usdoj.gov

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**
-oOo-

UNITED STATES OF AMERICA,

Plaintiff,

vs.

REUBEN DELGADILLO,

Defendant.

2:16-mj-00575-NJK

Stipulation to Continue the
Preliminary Hearing (*Third
Request*)

IT IS HEREBY STIPULATED AND AGREED, by and between DANIEL G. BOGDEN, United States Attorney, and CRISTINA D. SILVA, Assistant United States Attorney, counsel for the United States of America, and JOSHUA TOMSHECK, Counsel for the Defendant, REUBEN DELGADILLO, that the preliminary hearing date in the above-captioned matter, currently scheduled for Tuesday, February 21, 2017, at 4:00 pm, be vacated and continued for forty-five (45) days, to a date and time to be set by this Honorable Court.

This stipulation is entered into for the following reasons:

1. The parties have entered into a written plea agreement. The agreement has been filed with the Court. Additional time is needed for a change of plea to occur.

2. The parties agree to the continuance.

3. The defendant is not incarcerated and does not object to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested herein is not sought for purposes of delay, but to allow for the change of plea hearing to take place.

6. The additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).

7. This is the fifth request for a continuation of the preliminary hearing.

DATED this 17th day of February, 2017.

Respectfully submitted,
DANIEL G. BOGDEN
United States Attorney

//s//
JOSHUA TOMSHECK, ESQ.
Counsel for Defendant -
DELGADILLO

//s//
CRISTINA D. SILVA
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
-oOo-**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

REUBEN DELGADILLO,

Defendant.

2:16-mj-00575-NJK

ORDER

ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties have entered into a written plea agreement and that additional time is needed for the change of plea to take place.
 2. The parties agree to the continuance.
 3. The defendant is not incarcerated and does not object to the continuance.
 4. Additionally, denial of this request for continuance could result in a miscarriage of justice.
 5. The additional time requested herein is not sought for purposes of delay, but to allow for the change of plea hearing to take place and the case to be resolved.
 6. The additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).
 7. This is the fifth request for a continuation of the preliminary hearing.
- For all of the above-stated reasons, the ends of justice would best be served by a

1 continuance of the preliminary hearing date.

2 **CONCLUSIONS OF LAW**

3 The ends of justice served by granting said continuance outweigh the best
4 interest of the public and the defendant, since the failure to grant said continuance
5 would be likely to result in a miscarriage of justice, would deny the parties sufficient
6 time and the opportunity to allow for the Defendant to change his plea and the case set
7 for sentencing, taking into account the exercise of due diligence.

8 The continuance sought herein is allowed, with the defendant's consent,
9 pursuant to Federal Rules of Procedure 5.1(d).

10 **ORDER**

11 IT IS THEREFORE ORDERED that the preliminary hearing currently
12 scheduled for February 21, 2017, at the hour of 4:00 pm, be vacated and continued to
13 April 17, 2017, at 4:00 p.m., in courtroom 3C.

14 DATED 21st day of February, 2017.

15
16
17 
18 THE HONORABLE NANCY J. KOPPE
19 UNITED STATES MAGISTRATE JUDGE
20
21
22
23
24